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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY

Alvaro E. Calderon
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El Monte, California 91733
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALVARO E. CALDERON,

Plaintiff,

v.

WMC MORTGAGE LLC, a Delaware corporation; GENERAL ELECTRIC CAPITAL GE MONEY MORTGAGE HOLDING COMPANY LLC, a Delaware corporation; COMISSIONER ROBERT HARRIS, an individual; DARLENE MARIE ALLEN, an individual; PETER BROLENSKY, an individual; **and DOES 1-100** 4C

Defendents

No. CV17-02732-PA(E)

CIVIL RIGHTS COMPLAINT:

42 U.S.C. § 1983: FOURTH, AND FOURTEENTH AMENDMENTS; CALIFORNIA CONSTITUTION: COMMON LAW TORT CLAIMS

PAID
APR 10 2017
Clerk, US District Court

Plaintiff ALVARO E. CALDERON, hereby brings this action under 42 U.S.C. §1983 to redress his civil and legal rights, and alleges as follows:

Preliminary statement

This is a civil rights action in which plaintiff Mr. Calderon, seek relief for the defendants' violations of his rights secured by the Civil Rights Act of 1871, 42 U.S.C. $ 1983, by the United States Constitution, including its Fourth and Fourteenth Amendments, and by the laws Constitution of the State of California. Plaintiff seeks compensatory and punitive damages, an award of costs, interest and attorney fees, and such other relief as the Court deems just and proper.

JURISDICTION AND VENUE

2. This is an action for injunctive relief and damages pursuant to 42 U.S.C. § 1983 based upon the continuing violations of Plaintiffs' rights under the Fourth, and Fourteenth Amendments to the United States Constitution. Jurisdiction exists pursuant to 28 U.S.C. § 1331 and 1343 based on 42 U.S.C. §1983 and questions of federal constitutional law. Supplemental jurisdiction over Plaintiffs' state law claims is pursuant to 28 U.S.C. §1367.

3. Venue is proper in the Central District in that the events and conduct complained of herein all occurred in the Central District.

JURY TRIAL DEMANDED

4. Plaintiff demands a trial by jury on each and every one of his claims as pleaded herein.

Parties

5. At all relevant times to this action, Plaintiff ALVARO E. CALDERON, resides in Los Angeles

6. Defendant COMISSIONER ROBERT HARRIS, was at all relevant times the Commissioner presiding in Department 94 of the Superior Court for the County of Los Angeles and he committed the acts complained of herein while acting as such and he is sued herein in his individual and official capacity.

7. Plaintiff is informed and believes and based thereon alleges that Defendant WMC MORTGAGE LLC, successor-in-interest to WMC MORTGAGE CORP. is a limited liability company organized under the laws of the State of Delaware with its principal place of business in Woodland Hills, California. WMC's business is directed, controlled, and coordinated from the offices of its sole member, GE CAPITAL CORPORATION, a Delaware corporation whose principal place of business is Norwalk, Connecticut.

8. Plaintiff is informed and believes and based thereon alleges that Defendant WMC MORTGAGE, LLC is a subsidiary of GENERAL ELECTRIC CAPITAL CORPORATION, which is a subsidiary of GENERAL ELECTRIC CAPITAL SERVICES, INC., which is a subsidiary of GENERAL ELECTRIC COMPANY.

9. Plaintiff is informed and believes and based thereon alleges that Defendant GE CAPITAL CORPORATION is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Norwalk, Connecticut.

10. Plaintiff is informed and believes and based thereon alleges that Defendant GE MONEY MORTGAGE HOLDING COMPANY LLC ("GE,LLC") is a limited liability company organized under the laws of the State of Delaware with its principal place of business 6320 Canoga Ave., Woodland Hills, California 91367. GE,LLC business is directed, controlled, and coordinated from the offices of its sole member, GE CAPITAL CORPORATION, a Delaware corporation whose principal place of business is Norwalk, Connecticut.

11. Plaintiff is informed and believes and based thereon alleges that Defendant GE MONEY MORTGAGE HOLDING COMPANY LLC is a subsidiary of GENERAL ELECTRIC CAPITAL CORPORATION, which is a subsidiary of GENERAL ELECTRIC CAPITAL SERVICES, INC., which is a subsidiary of GENERAL ELECTRIC COMPANY.

12. Plaintiff is informed and believes and based thereon alleges that Defendant GENERAL ELECTRIC COMPANY.........

13. Plaintiff is informed and believes and based thereon alleges that Defendant DARLENE MARIE ALLEN was and at all times mentioned in this complaint was, an individual and resident of Los Angeles County, California.

14. Plaintiff is informed and believes and based thereon alleges that Defendant Peter BROWENSKI was and at all times mentioned in this complaint was, an individual and resident of Los Angeles County, California.

15. Defendants DOES 1 through 100, inclusive, our sued in this complaint under fictitious names. Their true names and capacities are unknown to plaintiff. When their true names and capacities are ascertained, plaintiff will amend this complaint by inserting their true names and capacities in this complaint. Plaintiff is informed and believes and thereon alleges that each of these fictitiously named defendants that each of them is responsible in some manner for the (threatened) wrongful conduct alleged; and that their claims, and each of them, constitute a cloud on plaintiff's title to the property described below in this complaint.

16. The defendant herein named as "all persons unknown, claiming any legal or equitable right, title, estate, or interest in the property described in the complaint adverse to plaintiff's title, or any cloud on plaintiff's title thereto" (hereinafter referred to as UNKNOWN DEFENDANTS") are unknown to plaintiff at this time. These UNKNOWN DEFENDANTS, and each of them, claim some right, title, estate, or interest in the hereafter described property, title, estate, lien, or interest in the described property and their claims, and each of them, constitute a cloud plaintiff's title to that property.

17. Plaintiff is informed and believes and based thereon alleges that all of the defendants, and each of them, at all times mentioned herein, where the agents, servants or employees of the other defendants and/or acting in conspiracy with the

other defendants, and in doing the acts or making the omissions referred to herein, were acting within the scope of such agency, servitude or employment, and with the permission, knowledge and consent of each other defendant. Plaintiff is informed and believes and based thereon alleges that each of the defendants ratified, approved and accepted the benefits of the acts of each of the remaining defendants with full knowledge of the nature and effect of such acts. As to each defendant herein which is a corporation or business entity, plaintiff is informed and believes and based thereon alleges that each of the acts hereinafter alleged were approved in advance, and subsequently ratified, by all of the managing agents, owners, partners, officers, and directors of each of said corporation and business entity defendants and that the acts hearinafter alleged were undertaken by said corporate and business entity defendants in furtherance of the conspiracy.

STATEMENTS OF FACT

First Complaint for Unlawful Detainer pursuant to CCP 1161a

18. On December 16, 2010, WMC Mortgage Corporation filed a frivolous unlawful detainer complaint pursuant to Code of Civil Procedure Section 1161a entitled, WMC MORTGAGE CORP. v. MARIO MARTINEZ, ALVARO CALDERON, OMAR ARVIZU, Does 1-5, Case No. 10U16905, attached as Exhibit "1", to the concurrently filed Request for Judicial Notice (RJN"1").

19. The complaint alleged that WMC Mortgage Corporation purchased the subject property commonly known as 1016-1018 E. 24th Street, Los Angeles California 90011 at a Trustee's Sale on September 8, 2010.

20. Mr. Calderon answered the complaint, and filed a request that the court take or judicial notice of the judgment entered on June 26, 2009, Case No. BC368410, attached as Exhibit "2", to the concurrently filed Request for Judicial Notice (RJN"2").

21. Paragraphs 1, 2, 4, and 10,

" IS HEREBY ORDERED, ADJUDICATED, AND DECLARED AS FOLLOWS:

Paragraph 1. "Plaintiff and cross-defendant Alvaro E. Calderon is now, and has at all times since December 3, 2002 been, the owner in fee simple of an undivided one-half interest in certain real property commonly known as 1016-1018 E. 24th Street, Los Angeles, California 90011 and legally described as follows:

LOT 8 IN BLOCK "C" OF MENLO PARK SUBDIVISION NO. 1, IN THE CITY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 59, PAGE(S) 63 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF COUNTY RECORDER OF SAID COUNTY. ("the Property").

Paragraph 2. Defendant, cross-complainant and cross-defendant, Mario Martinez is now, and has at all times since October 30, 2006 been, the owner in fee simple of an undivided one half interest in the property.

22. Pursuant to paragraph one and two, Mr. Calderon and Mr. Martinez are each the owners in fee simple of an undivided one half interest in the property.

Paragraph 4. Defendant and cross-complainant, WMC Mortgage, LLC, as successor-in-interest to WMC Mortgage Corp is now, and has at all times since November 30, 2006 pursuant to an off record assignment been, the beneficiary of a deed of trust, dated October 5, 2006 recorded on October 30, 2006 as Document No. 06-23298926 in the Official Records of the Recorder's Office of Los Angeles County, California, and securing an Adjustable Rate Balloon Note of the same date, in

> the original principal amount of $320,000.00, with the undivided one-half interest of defendant, cross-complainant, and cross defendant, Mario Martinez in the Property. …".

23. Paragraph 4:

(1) Shows that the plaintiff, WMC Mortgage Corp. is a defunct Corporation. WMC Mortgage Corp., was merged out of existence in late 2007;

(2) demonstrates that the Deed of Trust dated, October 5, 2006 recorded on October 30, 2006 as Document No. 06-23298926, and the Deed of Trust of the same date, and instrument number, referred to in the Trustee's Deed Upon Sale, attached as Exhibit "A", to WMC Mortgage Corp, complaint for unlawful detainer are one in the same, and;

(3) demonstrates that, said Deed of Trust, only encumbered Mario Martinez's undivided one half interest in the subject property.

Paragraph 10., shows the court ordered that Mr. Calderon's undivided one-half interest in the Property, shall be sold under a writ of sale issued pursuant to California Code of Civil Procedure section 712.010

> Paragraph 10. The undivided one-half interest of plaintiff and cross defendant, Alvaro E. Calderon in the Property shall be sold… under a writ or writs of sale issued pursuant to California Code of Civil Procedure section 712.010. …the undivided one-half interest of plaintiff and cross-defendant, Alvaro E. Calderon in the property shall be sold as provided in California Code of Civil Procedure section 716. 020…".

24. Defendant Attorney Peter H. Wodinsky, ("Mr. Wodinsky") is an appearance attorney. According to Mr. Wodinski's interview, attached as Exhibit "3", to the concurrently filed Request for Judicial Notice (RJN"3"). He's appeared in the Los Angeles Superior Court Unlawful Detainer Department 94, on behalf of

other attorneys several times a day since around 2002, "quoting Mr. Wodinski 'it helps to build relationships'"

25. Mr. Wodinski appeared on behalf of WMC Mortgage Corp, counsel. Mr. Wodinski was granted ten continuances dragging the case on for fourteen months, until its dismissal without prejudice on February 29, 2012. See Case Summary, attached as Exhibit "4", to the concurrently filed Request for Judicial Notice (RJN"4").

26. Mr. Calderon successfully defended his right to possession of the subject property on the grounds that WMC Mortgage Corp. complaint for unlawful detainer did not allege that Mr. Calderon's undivided one-half interest in the subject property was sold under a writ of sale.

27. California follows the general rule that goods and chattels of a judgment debtor are subject to liens based upon an execution and not upon the rendition or entry of judgment. In Summerville v. Stockton Milling Co., 142 Cal. 529, 540, 76 P. 243, 247, the California Supreme Court held that a leasehold estate for a term of years was personal property and that no lien could be acquired thereon under a judgment until levy of execution.

28. Accordingly, Mr. Calderon remains the owner in fee simple of an undivided one-half interest the subject property.

Resided at 1018, since 2012

29. Mr. Calderon moved back to the subject property in or around September, 2012. first to 1016, as reflected in Mr. Calderon's current California I.D., attached as Exhibit "5", to the concurrently filed Request for Judicial Notice (RJN"5"). Mr. Calderon moved to 1018, in December, 2012, and resided on the subject property as the owner in actual possession until Mr. Calderon's eviction in May, 2015.

The fatal defect on the face of the Sheriff's Deed

of Sale of Real Property renders it Void Ab Initio

30. The Sheriff's Deed of Sale of Real Property dated, May 15, 2013 attached as Exhibit "6", to the concurrently filed Request for Judicial Notice (RJN"6") states in pertinent part:

> "I, the undersigned, Sheriff of the County of Los Angeles, State of California, do hereby certify that: under a writ of sale issued on 10/02/12 out of the Superior Court of the central judicial district, Los Angeles County, State of California, on a judgment entered on 06/24/09 in favor of WMC Mortgage, LLC, and against Alvaro E. Calderon."

31. In California, a writ of sale expires180 days from the date the writ was issued.

Code of Civil Procedure § 699.530. states:

> (a) Upon delivery of the writ of execution to the levying officer to whom the writ is directed, together with the written instructions of the judgment creditor, the levying officer shall execute the writ in the manner prescribed by law.
>
> (b) The levying officer may not levy upon any property under the writ after the expiration of 180 days from the date the writ was issued.

32. The October 2, 2012 writ of sale, here at issue, expired on March 31, 2013. The Sheriff sold Mr. Calderon's interest in the subject property, on May 15, 2013, 225 days from date the writ was issued.

33. Here, the levying officer did not execute the writ in the manner prescribed by law.

ASSIGNMENT OF DEED OF TRUST

35. On September 13, 2013, GE Money Mortgage Holding Company, LLC,

recorded an Assignment of Deed of Trust from WMC Mortgage Corporation, as Document No. 20131414777 in the Official Records of the Recorder's Office of Los Angeles County, California attached as Exhibit "7", to the concurrently filed Request for Judicial Notice (RJN"7").

Trustee's Deed Upon Sale Issued to GE Money

36. GE Money Mortgage Holding Company, LLC, Trustee's Deed, dated, July 15, 2014, recorded on July 21, 2014, as Instrument No. 20140749649 in the Official Records of the Recorder's Office of Los Angeles County, California, attached as Exhibit "8", to the concurrently filed Request for Judicial Notice (RJN"8").

Second Complaint for Unlawful Detainer pursuant to CCP §1161a

37. On August 12, 2014, WMC Mortgage Corporation filed two Unlawful Detainer Complaints pursuant to Code of Civil Procedure section 1161a, entitled, WMC MORTGAGE CORP. v. MARIO MARTINEZ, and Does 1-5. Case No. 14U10008, for 1016, and Case No. 14U10012, for 1018, for possession of the subject property, commonly known as 1016-1018 E. 24th Street, Los Angeles California 90011, attached as Exhibit "9", to the concurrently filed Request for Judicial Notice (RJN"9").

38. On August 15, 2014, Mary Calderon was served with a copy of the summons and complaint, Case No. 14U10008. On August 15, 2014, the process server, served Mr. Calderon with a copy of summons and complaint for 1018 E. 24th Street Los Angeles, California 90011, Case No. 14U10012, and asked Mr. Calderon for his full name.

39. Mr. Calderon told the process server that he was the owner of the property and gave him his full name.

40. The Proof of Service of the August 15, 2014, service of summons and complaint, on Mary Calderon, and Mr. Calderon were filed with the court on August 27, 2014.

41. Shortly thereafter, WMC mortgage LLC, learned that Mr. Calderon was residing on the subject property.

42. WMC mortgage LLC voluntarily dismissed Case No. 14U10008, and 14U10012, on August 29, 2014.

43. In or around September, 2014, WMC Mortgage LLC retained the Law Office of Darlene Allen, ("Mrs Allen") to file a complaint for unlawful detainer with instructions to exclude Mr. Calderon from the process.

Third Complaint for Unlawful Detainer now pursuant to CCP §1161

44. On October 3, 2014, Mrs Allen filed two sham unlawful detainer complaints on California Judicial Counsel Form UD-100, pursuant to CCP 1161, entitled, WMC MORTGAGE LLC v. MARY CALDERON. Case No. 14U12803, for 1016, and Case No. 14U12804, for 1018, for possession of the subject property, commonly known as 1016-1018 E. 24th Street, Los Angeles California 90011, attached as Exhibit "9", to the concurrently filed Request for Judicial Notice (RJN"10

45. Mrs Allen prevented Mr. Calderon, from defending his right to possession of the subject property by intentionally excluding Mr. Calderon. Case No. 14U12803, alleged Mary Calderon was in possession of 1016, Case No.14U12804, also alleged Mary Calderon was in possession of 1018.

46. California Judicial Counsel Form UD-100 Item 6.e. states:

> A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached

and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)

47. Neither, 6.e., nor 6.f. were checked. (RJN"10")

48. Unlawful detainer is a statutory action (Code Civ. Proc., § 1161 et seq.) and the requirements for a complaint are expressly set forth in the statute, (Code Civ. Proc., §1166.) which states in pertinent part:

(a) The complaint shall:

(d)(1) In an action regarding residential property, the plaintiff shall attach to the complaint the following:

(B) A copy of any written lease or rental agreement regarding the premises. Any addenda or attachments to the lease or written agreement that form the basis of the complaint shall also be attached.

The documents required by this subparagraph are not required to be attached if the complaint alleges any of the following:

(i) The lease or rental agreement is oral.

(ii) A written lease or rental agreement regarding the premises is not in the possession of the landlord or any agent or employee of the landlord.

(iii) An action based solely on subdivision (2) of Section 1161.

(2) If the plaintiff fails to attach the documents required by this subdivision, the court shall grant leave to amend the complaint for a five-day period in order to include the required attachments.

(e) Upon filing the complaint, a summons shall be issued thereon.

49. Code Civ. Proc. § 1166.(d)(1)(B) specifically requires that a copy of the documents that form the basis of the complaint shall be attached to the complaint.

The three exceptions listed in Code Civ. Proc. § 1166.(d)(1)(B), that don't require a copy of the documents that form the basis of the complaint to be attached, are not applicable.

50. The 30-day notice attached to the complaints, as Exhibit 2, Mrs Allen asserts that the 30-day notice was served on August 16, 2014.

51. However, in the Proof of Service attached to the complaints, as Exhibit 3, the process server declares under penalty of perjury of the laws of the State of California, that on August 16, 2014, he posted a 3-Day Notice to Terminate Tenancy

Mary Calderon's Answer

52. On October 9, 2014, Defendant Mary Calderon, filed her Answers to complaints Case No. 14U12803, and 14U12804, , attached as Exhibit "11", to the concurrently filed Request for Judicial Notice (RJN"11"). Defendant Mary Calderon argued inter alia, that the complaint fails to state facts sufficient to constitute a cause of action in unlawful detainer, because the documents that form the basis of the complaint, were not attached to the complaints.

53. Mary Calderon's Answer asserted that:

> "Plaintiff, WMC mortgage LLC, is not the owner of the property commonly known as 1016 – 1018 E. 24th St., Los Angeles, CA 90011.
>
> The court must dismiss this complaint with prejudice for lack of standing. Plaintiff is a stranger to the subject property, 1016 – 1018 E. 24th St., Los Angeles, CA 90011.
>
> Assuming arguendo, that WMC mortgage LLC, had the legal capacity to sue, the complaint fails to state facts sufficient to constitute a cause of action. The attachments (written

agreement) that purport to form the basis of this complaint, are not attached. For the simple reason that they do not exist."

54. A stipulated judgment between Mary J. Calderon and WMC Mortgage LLC, for possession of the subject property was entered on November 19, 2014.

55. On February 20, 2015, Mr. Calderon appeared in Department 94 of the Los Angeles Superior Court for the Hearing on his Ex Parte Application. Mr. Calderon handed Mrs. Allen a copy. , attached as Exhibit "12", to the concurrently filed Request for Judicial Notice (RJN"12").

56. After reviewing Mr. Calderon's ex parte application. Mrs. Allen told Mr. Calderon that she postpone the lockout date, to April 1, 2015, if Mr. Calderon would take his Ex Parte Application off calendar, Mr. Calderon agreed.

57. Mrs. Allen had recently gotten off probation and was probably concerned about the consequences of continuing to prosecute a sham pleading.

58. Mrs. Allen didn't know Commissioner Robert Harris but, Mr. Wodinski did. Mr. Wodinski has been appearing in Department 94 on behalf of other attorneys since 2002 (RJN"3"). Mr. Wodinski has built a relationship with the staff and Commissioners in Department 94.

59. Mr. Wodinski knew from past experience that Mr. Calderon would refile his ex parte application.

60. Sometime between February 20, 2015, and April 10, 2015. Defendants, Attorney Peter Wodinski, Attorney Darlene Marie Allen, WMC Mortgage LLC, GE Money Mortgage Holding Company, LLC, and General Electric Company formed an association with Commissioner Robert Harris to violate Mr. Calderon's Fourth and Fourteenth Amendment

Commissioner Robert Harris Complete Absence of all Jurisdiction

61. The files for Case No. 14U12803, and 14U12804, contained On April 10, 2015, Commissioner Robert Harris was presented with overwhelming evidence, in the form of judicially noticeable documents, and Mr. Calderon's assertions that he was not served with a copy of the summons and complaint, demonstrating lack of personal, and subject matter jurisdiction, in Commissioner Robert Harris, or the court he served under.

Commissioner Robert Harris acted in clear and Complete Absence of all Jurisdiction.

62. As previously stated, the judicially noticeable "Judgment by Court After Trial" Case No. BC368410, attached as Exhibit "1", to the concurrently filed request for judicial notice, discloses that Calderon (who was not named a party defendant in the instant action) has been the owner in fee simple of an undivided one-half interest in the subject property commonly known as 1016-1018 E. 24th Street, Los Angeles, California 90011, since December 3, 2002.

63. WMC Mortgage LLC, and GE Money Mortgage Holding Company, LLC disregard for the Judicial process and the fraud perpetrated on the court warrants piercing the corporate veil.

Claim 1

Fourth Amendment

Claim 2

(Deliberate Indifference)

Claim 3

(Intentional Infliction of Emotional Distress)

Claim 4

Fourteenth Amendment

JURY DEMAND

Plaintiffs hereby demand a jury trial on all issues so triable.

PRAYER

WHEREFORE, plaintiff prays for relief, as follows:

Dated: April 10, 2017

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☑)

Alvaro E. Calderon

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (*Firm Name, Address and Telephone Number*) If you are representing yourself, provide the same information.

DEFENDANTS (Check box if you are representing yourself ☐)

Commissioner Robert Harris

County of Residence of First Listed Defendant Los Angeles
(IN U.S. PLAINTIFF CASES ONLY)

Attorneys (*Firm Name, Address and Telephone Number*) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1. U.S. Government Plaintiff
☒ 3. Federal Question (U.S. Government Not a Party)
☐ 2. U.S. Government Defendant
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☒ 1	Incorporated or Principal Place of Business in this State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (Place an X in one box only.)

☒ 1. Original Proceeding
☐ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify)
☐ 6. Multidistrict Litigation - Transfer
☐ 8. Multidistrict Litigation - Direct File

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☐ No ☒ **MONEY DEMANDED IN COMPLAINT:** $ 22,000,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. § 1983 Fourth and Fourteenth Amendments

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES
☐ 375 False Claims Act
☐ 376 Qui Tam (31 USC 3729(a))
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/Etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced & Corrupt Org.
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 850 Securities/Commodities/Exchange
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 893 Environmental Matters
☐ 895 Freedom of Info. Act
☐ 896 Arbitration
☐ 899 Admin. Procedures Act/Review of Appeal of Agency Decision
☐ 950 Constitutionality of State Statutes

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loan (Excl. Vet.)
☐ 153 Recovery of Overpayment of Vet. Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment

REAL PROPERTY CONT.
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☒ 290 All Other Real Property

TORTS PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Fed. Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☒ 360 Other Personal Injury
☐ 362 Personal Injury-Med Malpratice
☐ 365 Personal Injury-Product Liability
☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability
☐ 368 Asbestos Personal Injury Product Liability

IMMIGRATION
☐ 462 Naturalization Application
☐ 465 Other Immigration Actions

TORTS PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
☒ 440 Other Civil Rights
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 445 American with Disabilities-Employment
☐ 446 American with Disabilities-Other
☐ 448 Education

PRISONER PETITIONS
Habeas Corpus:
☐ 463 Alien Detainee
☐ 510 Motions to Vacate Sentence
☐ 530 General
☐ 535 Death Penalty
Other:
☐ 540 Mandamus/Other
☐ 550 Civil Rights
☐ 555 Prison Condition
☐ 560 Civil Detainee Conditions of Confinement

FORFEITURE/PENALTY
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 740 Railway Labor Act
☐ 751 Family and Medical Leave Act
☐ 790 Other Labor Litigation
☐ 791 Employee Ret. Inc. Security Act

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405 (g))
☐ 864 SSID Title XVI
☐ 865 RSI (405 (g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS-Third Party 26 USC 7609

CV17-02732

FOR OFFICE USE ONLY: Case Number:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? ☐ Yes ☒ No	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
If "no, " skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	☐ Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
	☐ Orange	Southern
	☐ Riverside or San Bernardino	Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? ☐ Yes ☒ No	**B.1.** Do 50% or more of the defendants who reside in the district reside in Orange Co.? *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.
		☐ NO. Continue to Question B.2.
If "no, " skip to Question C. If "yes," answer Question B.1, at right.	**B.2.** Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.
		☐ NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? ☐ Yes ☒ No	**C.1.** Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.
		☐ NO. Continue to Question C.2.
If "no, " skip to Question D. If "yes," answer Question C.1, at right.	**C.2.** Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.
		☐ NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of *plaintiffs who reside in this district* reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☒
Indicate the location(s) in which 50% or more of *defendants who reside in this district* reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☒

D.1. Is there at least one answer in Column A?	D.2. Is there at least one answer in Column B?
☐ Yes ☒ No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	☐ Yes ☒ No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓

QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	Western Division

QUESTION F: Northern Counties?	
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties?	☐ Yes ☒ No

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed **in this court?** ☒ NO ☐ YES

If yes, list case number(s): ______________________

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed **in this court?** ☒ NO ☐ YES

If yes, list case number(s): ______________________

Civil cases are related when they (check all that apply):

☐ A. Arise from the same or a closely related transaction, happening, or event;

☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

☐ A. Arise from the same or a closely related transaction, happening, or event;

☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): Alvaro E. Calderon DATE: April 10, 2017

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))